

REMARKS

Applicant has amended claims 1, 4 and 5 and also submitted herewith are new figures 9 and 10. Applicant respectfully submits that these amendments to the claims and the drawings are supported by the application as originally filed and do not contain any new matter. Accordingly, the Office Action will be discussed in terms of the drawings and claims as amended.

The Examiner has requested that Figs. 9 and 10 be designated prior art. By the substitute Figs. 9 and 10, Applicant has designated Figs. 9 and 10 prior art.

The Examiner has rejected claim 5 under 35 USC 112, second paragraph. In view of the amendments to claim 5, Applicant respectfully submits that claim 5 now complies with 35 USC 112, second paragraph.

The Examiner has objected to claim 1 and pointed out a certain informality. Applicant has corrected this informality and respectfully requests that the Examiner withdraw his objection.

The Examiner rejected claims 1-3 under 35 USC 102 as being anticipated by Yoshida, stating that Yoshida discloses a shock absorber comprising a multi-diameter stepped tube having different diameter integral tube portions formed by partially reducing or partially enlarging a straight tube that can be plastically deformed, at least one stepped portion 5 formed between adjacent edges of each different diameter tube portions, a mounting part 11 having a quadrilateral shape and a load transmission member 6 fixed between the outer side surface of the larger diameter tube portion and the mounting part.

In reply thereto, Applicant has carefully reviewed Yoshida and respectfully submits that element 11 is merely a tube mounting seat of the vehicle frame 1 and is not a mounting part in the sense of Applicant's invention (see col. 4, lines 16-18). Still further, Applicant respectfully submits that element 6 is merely a mounting flange welded to the large outside diameter tube portion 3 with holes 10 through which bolts extend for mounting a shock absorber to the tube mounting seat 11 by means of bolts. Still further, it appears that the mounting flange 6 extends all the way around the larger diameter portion.

In view of the above, therefore, Applicant respectfully submits that Yoshida does not show each and every element of Applicant's invention and claims 1-3 are not anticipated thereby.

The Examiner has further indicated that claims 4 and 5 contain allowable subject matter and could be put in condition for allowance. In view of the above amendments, Applicant respectfully submits that claims 4 and 5 are allowed.

In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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 William L. Androlia

Name

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